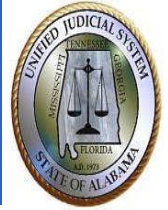




# AOC Newsletter



Volume 4, Issue 8 August 2009

## Sue Bell Cobb to remain Alabama's Chief Justice

Press Release—July 2009

Statement from Chief Justice Sue Bell Cobb



**Sue Bell Cobb**  
Chief Justice

"I am honored to have been sought out and encouraged to run for Governor by so many Alabamians from all walks of life. Their support has been humbling and has perhaps made this decision the most difficult I have ever been called upon to make.

First and foremost, I want the best for the people of Alabama, whom I have attempted to serve for the last 28 years. I care greatly about where we are as a state and the direction in which we need to go.

While this love for our state and encouragement caused me to seriously consider running for governor, I have been privileged to serve as Chief Justice of the Alabama Supreme Court and plan to remain in this position.

Therefore, I will continue to work tirelessly to improve the court system of this state and will continue to devote my time and energy to programs that improve the lives of all citizens of Alabama:

- Programs that make our communities safer, while at the same time saving precious financial resources.
- Programs such as model drug courts, dedicated domestic violence dockets, and local juvenile justice corrections programs.
- Programs that are already paying dividends by not only reducing costs but also reducing the financial burdens of our jails and prisons and more importantly redirecting "would be career criminals" to a path away from crime and toward meaningful rehabilitation and productive lives.

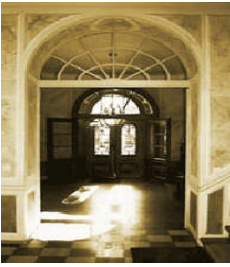
As I stated when I sought the office of Chief Justice of the Supreme Court, the challenge for judges and justices is to do the harder work of fixing people rather than the easier work of just filling prisons.

I want to thank the voters of Alabama for giving me the distinct honor of serving as Chief Justice of the Alabama Supreme Court, and I want to thank the judges and all of those who work so hard every day to make our justice system a model for the nation."



The **paperless office** is now considered to be a philosophy to work with minimal paper and convert all forms of documentation to any digital form. The ideal is driven by a number of motivators including productivity gains, costs savings, space saving, the need to share information and reduced environmental impact.

~ [http://en.wikipedia.org/wiki/Paperless\\_office](http://en.wikipedia.org/wiki/Paperless_office)



# Family Law Judges Meet in Germany

By John W. Davis, Family Court Judge, retired

**Ich bein Berliner !**

I recently had the honor of being invited to participate in a workshop hosted by the [German Judicial Academy](#) and upon my return several people have suggested that I share some of my observations.

The workshop had as its primary focus the international abduction (by a parent) of children, with opportunities for the judge participants to learn how three different countries were addressing the critical jurisdictional and other legal issues that usually accompany litigation between parents of different national residence or domicile. The [“Hague Convention on the Civil Aspects of International Child Abduction”](#) was the subject of a lot of the workshop. There were about 25 judges from within Germany at the workshop, about 3 from [Canada](#), and about 6 from the United States, including [California](#), [Missouri](#), [Florida](#), [Ohio](#), [New York](#) and [Alabama](#).

There were two representatives from the U.S. State Department’s Office of Children’s Issues. In the same building and at the same time there was a workshop for German judges and Russian judges to discuss similarities and differences in their respective Court systems and the challenges presented in civil cases involving parties from those two countries. These two workshops were sponsored by the German Judicial Academy ([Deutsche Richterakademie](#)) which is a part of the Federal Ministry of Justice under the Chancellor of Germany, [Anna Merkel](#). The Deutsche Richterakademie operates two conference centers: one in Trier, Germany and the other in Wustrau (where we were), a charming little village of about 1,200 residents and located about 70 kilometers from Berlin. That conference center is housed in a large manor, centuries old, and formerly the [“Zietenschloss”](#) (Zieten Castle). The manor has two large conference rooms, a reading room, a computer lab, offices, a dining area that comprises four rooms, a lovely terrace, and a lake that is located to the rear of the Manor and its’ vast grounds. On the basement level there is a [rathskellar!](#) There are two large buildings which are inns or dormitories for the academy participants and which I found to be very nice but not luxurious (no radio, no clock, no tv). The bed was a single, but comfortable. Recovering from the 12-hour plane trip and 7-hour time difference took most of the first three to four days and was not aided by the daylight hours, which lasted from about 4:30 am to 10:30 pm!

Our workshop was aided by the work of two interpreters who sat in a glass booth at the end of the classroom. Each of us had a wireless headset to receive instantaneous translations of each other’s remarks and those of the presenter of the moment. There were wireless microphones located near every participant. There were times I felt like I was in the UN! Ironically, the news account of the just announced decision in the US – Brazil case involving young Sean Goldman whose American father, David Goldman, has been seeking return of custody, came out immediately before our workshop began and thus was an excellent vehicle for animated discussion about the importance of nation-states adhering to the policies and practices enunciated in the [Hague Convention Treaty on International Child Abduction](#). Some of the most noteworthy provisions of that Treaty are:

- **J**udges, like the attorneys in such cases, need to be aware of the Treaty and need to review the provisions of the Treaty as often as occasions merit same.
- **T**rial judges in the countries involved in a particular dispute are encouraged to communicate with each other in an effort to best understand and appreciate which country is most aptly the abducted child’s “country of normal residence”.
- **F**ailure to comply with the provisions of the Treaty, even though arguably in the “best interests” of a child, can have significant impact on international relations between member countries to the Treaty.
- **“Best Interests of the Child”** is not the focus of the Treaty. Determining which country should exercise jurisdiction to address the actual custody decision is the focus.
- **T**here are judges and international organizations which can assist in locating and arranging communication with a trial judge in another country who has the same parties before them in a related case.
- **T**he communication with a judge in another jurisdiction so as to assist in determining proper jurisdiction is similar to the provision of our country’s Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). However many judges in other countries, and still some in the U.S. are reluctant to initiate such contact. Methods such as allowing the attorneys and even perhaps the parties, to listen in to such communication may lessen those concerns.

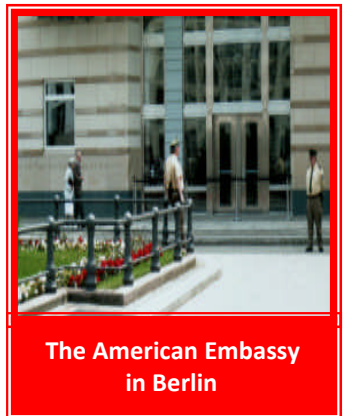
## Family Law Judges Meet in Germany cont.

The Family Law Judges from Germany who participated in the workshop were a most impressive group. Most spoke English at least a little and were very hospitable towards the foreigners from Canada and the United States (I learned that some Canadians take umbrage of USA citizens referring to ourselves as “Americans” since Canadians consider themselves natives of North American as well.) The judges from Germany rarely referred to each other as “Judge” and instead usually used first names as printed on our name badges. I sensed that the use of “Judge” in social settings was likewise a rarely used title. In the Courtroom, I observed on our “field trip” to Berlin that the trial judge wore a robe (no wig in Germany!) and once the parties and their attorneys entered, the attorneys likewise put on robes that they carry about. The judge handled almost all the questioning, was quite familiar with the facts of the case even though it was an uncontested divorce, and the attorneys did very little talking.

The judge made a big deal out of asking each of the parties to produce proper identification to prove they were who they purported to be and were not imposters. However, when the judge had finished all the questioning, I realized that he had not placed the parties under oath to tell the truth. I found that a bit ironic and the judge later confirmed that it is not the practice to place the parties or witnesses under oath.

I was impressed that, even in uncontested civil matters, at the point the judge was to deliver his formal judgment, the parties and attorneys were instructed to rise – as had the judge – to receive the judgment. Another interesting matter I realized was that the Judge and his or her secretary managed the court file and kept it in the possession of one or the other of them. There essentially was no official Clerk whose responsibility it was to manage the file. Because the judge has the responsibility in Germany to manage the file and to determine what witnesses should be subpoenaed and what documents would need to be produced, much of the work week of the typical trial judge is spent outside of the Courtroom on such matters. The attorneys do not have the right (apparently) to have subpoenas and motions to produce documents issued. This, of course, is very different from the role of the attorney in our culture.

At the end of the workday that included our field trip to a **Berlin Court**, we were hosted to a reception at the **United States Embassy**, which I understand is very rare indeed. It was a nice occasion and although suit (dark) and tie were required, the occasion was not too formal. At that time, there was no resident Ambassador to Germany. I am sure President Obama will remedy that in due time. That reception was followed by an hour or two at a **biergarten** near the edge of Berlin. Then an hour’s bus ride back to the “manor”.



The American Embassy  
in Berlin

The Academy was very professional and very organized. We began our sessions around 8 or 8:30 each morning, had a couple of hours off after lunch, and then normally resumed our sessions until right before supper time. I had a great time, learned a lot, and enjoyed so much the courtesies of the Academy and especially the collegiality of my fellow participants. In closing, I would like to put in a plug for the German country and for Berlin. Germany is a beautiful country and has lots of agriculture and lots of pretty villages. Early summer is an excellent time to visit. I spent a couple of extra days in Berlin and was so very impressed by what it has to offer tourists. Language is not a problem. Public transportation is very good, as is signage to help direct you around. The museums, the remnants of the “Wall”, the food, the many waterways and river tours, the helpful people, all make Berlin an excellent place to visit. Berlin, like Paris, Rome, Florence and London, is a European capitol city that caters to international tourists. **Auf wiederstein...**



The German Judicial Academy  
in Wustrau, Germany

The German Judicial Academy provides nationwide advanced training of judges from all jurisdictional branches and training of public prosecutors. It is managed and financed jointly by the federation and the constituent states.



A few of the Judge Participants at the  
workshop.

## Technology Tip!

Attn:  
Judges

### Creating Order Templates in AlacourtPLUS

Judges can create custom orders that they have saved as templates in AlacourtPLUS. This will allow them to create orders in a timelier manner.

#### To Save a Template follow these steps...

- In AlacourtPLUS, click on **My Judge** from the top menu bar
- Select **Orders > Create Order**
- Enter in any case number > click **Lookup**
- Click in the body of the order and select all by pressing **Ctrl + A**
- Press **Delete** key on keyboard to clear the page
- Type in or copy and paste the **body of the order** only (the system will auto fill the specific case information when the template is placed into future orders)
- From the **Folders** list on the right, Select a Folder under **My Templates**
- Click on the **Save** or **Save As...** buttons on the upper right
- Name the template something descriptive

#### To Use a Saved Template in an Order follow these steps...

- **My Judge > Orders > Create Order**
- Enter the Case number > click **Lookup**
- Double Click on the template of choice (under **My Templates**)
- Click **Insert Template** button from the **Load Template** box
- The body of the order will load into the order and can be formatted as desired
- The title of the order can be modified if desired
- Process the order as usual

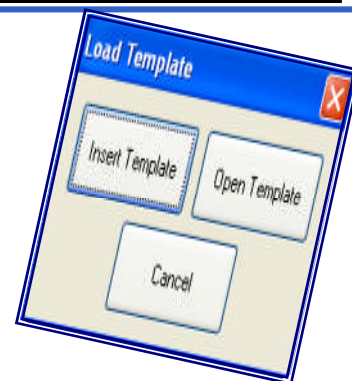
Contact IT Support for assistance with this Technology Tip  
(1-866-954-9411 Option 1, Option 4 [ApplicationSupport@alacourt.gov](mailto:ApplicationSupport@alacourt.gov))

### Employee Recognition Program UJS Employee Years of Service for July 2009

**AOC** would like to recognize the following Employees who have reached a milestone in their career with the **U**nified **J**udicial **S**ystem (**UJS**) by attaining the mentioned years of service. **Congratulations to each of you!**

*Congratulations!*

Name	County	Years of Service
David J. Melton	AOC	35
Mitzi C. Black	Cullman	30
Constance Marlin	Lauderdale	30
Mary Bloodsworth	Dale	30
Deborah Kay Lowery	Colbert	25
Bilee K. Cauley	Supreme Court	20
Jody B. Sellers	Russell	20
Cynthia M. Pittman	Houston	15
Lashandra Warren	Montgomery	05
Donna Elam	Bibb	05
Charles Graddick	Mobile	05
Teresa J. Connell	Chilton	05
James M. Freeman	Clarke	05
James L. Richey	Supreme Court	05



**AOC** would like to welcome **Robert "Rob" Barclay** to our CS/IT Staff as our new **Network Security Analyst**. Rob will be submitting a monthly Network Security article in future editions of the AOC Newsletter. We look forward to hearing from Rob on this very important subject. Rob is retired from the **U.S. Air Force** and has over 25 years experience in the telecommunications field. He currently holds a **Security+** certification and a **Certified Information Systems Security Professional** certification.